IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl.Misc.No.3302-M of 2007

DATE OF DECISION: MARCH 16, 2007

Lavkesh and another

...PETITIONERS

VERSUS

The State of Haryana

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Dev Raj Sharma, Advocate,
for the petitioners.
Mr.S.S.Mor, Sr.DAG,Haryana.
Mr.Jitender Dhanda, Advocate,
for the complainant.

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Petitioners Lavkesh and his father Harish, apprehending their arrest in a non-bailable offence in case FIR No.478 dated 12.12.2006 under Sections 323/342/326/506/34 IPC, registered at Police Station Narnaund, District Hisar, have filed this petition under Section 438 Cr.P.C. for the grant of anticipatory bail.

While issuing notice of motion on January 19, 2007, the arrest of the petitioners was stayed subject to their joining the investigation.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that the allegations against the petitioners in the aforesaid FIR are false and concocted. In the FIR, it has been alleged that the petitioners along with Sunita wife of petitioner No.2 were standing in the street and when the complainant came out of his courtyard, then all the three took him to their house and closed the main door and thereafter, they gave injuries to the complainant. However, it has not been stated in the FIR that which weapons were used by the petitioners while giving injuries to the complainant. Counsel contends that actually, the complainant tried to outrage the modesty of Vanita, minor daughter of petitioner No.2, when she was alone in the house and when the petitioners

came and saw all this, a scuffle took place in which the complainant might have received some injuries. He further contends that the grievous injury is only on the fingers of the complainant, which is manipulated.

Counsel for the respondent-State on instructions from ASI Harish informs that the SHO himself has verified the facts stated by the petitioners that when the the complainant tried to outrage the modesty of Vanita, minor daughter of petitioner No.2 when she was alone in the house, and when the petitioners came and saw all this, a scuffle took place in which the complainant might have received some injuries, and the same have been found to be false. It has been stated that in fact Sandeep complainant had received seven injuries, out of which one is grievous in nature, and the said injury is attributed to petitioner No.1-Lavkesh. During investigation, the allegations levelled against petitioner No.1, were found to be correct. Accordingly, I am not inclined to confirm the order dated January 19, 2007 qua petitioner No.1.

Hence, this petition is dismissed qua petitioner No.1-Lavkesh.

As far as petitioner No.2-Harish is concerned, it has been informed that he has been attributed simple injury. Counsel for the petitioners contends that in terms of the interim order dated January 19, 2007, petitioner No.2 has joined the investigation. This fact has not been disputed by the State counsel and he further states that petitioner No.2 is no more required for further investigation.

In view of the above, the interim order dated January 19, 2007 is made absolute qua petitioner No.2-Harish.

Disposed of accordingly.

March 16, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE